



March 18, 2009

Region Four  
4600 Giant Springs Rd.  
Great Falls, MT 59405  
(406) 454-5840

Ladies and Gentlemen:

Fish, Wildlife & Parks, Region Four, has previously distributed a Draft Environmental Assessment for the proposed Neal Ranch Land Acquisition of 3,278 acres, located east of and adjacent to the Sun River Wildlife Management Area. After reviewing the Draft Environmental Assessment, public comment, and public support FWP received for this proposal, I conclude that any impacts associated with the proposed alternative would not have a significant impact on the physical or human environment. With these considerations and further amendment to the draft EA contained herein, this Environmental Assessment becomes Final and is judged the appropriate level of analysis for the proposed action. An environmental impact statement is not required.

Based upon the Final Environmental Assessment, public comment and the public's desire to acquire important elk winter range habitat, it is my decision to recommend the Department and the Fish, Wildlife and Parks Commission acquire the Neal Ranch property and append it to the Sun River Wildlife Management Area, pending available funds.

Sincerely,

Graham Taylor  
Acting Region Four Supervisor  
Montana Fish, Wildlife & Parks



**ENVIRONMENTAL ASSESSMENT DECISION NOTICE**  
**for the Neal Ranch Land Acquisition**  
**Montana Fish, Wildlife & Parks**  
**Region 4, Great Falls**  
**March 2009**

**Preface**

On January 15 2009, Montana Fish, Wildlife & Parks (FWP) Region Four issued a draft environmental assessment (EA) for the proposed Neal Ranch Land Acquisition. A 32-day public comment period commenced at that time. The proposed acquisition lies immediately east of and adjacent to the Sun River Wildlife Management Area (SRWMA) and if acquired by FWP would be added to the SRWMA. The purchase price to FWP is \$5,600,000.

**Proposed Action and Background**

Montana Fish, Wildlife & Parks proposes the acquisition of 3,278 acres in fee title from the Neal Ranch. The property would be incorporated into existing SRWMA management practices and would conserve important elk winter range habitat. Since it's formation in 1948, the SRWMA's primary function has been to maintain important elk winter range habitat. Unfortunately, due to over utilization of vegetation by persistent long-term seasonal elk grazing, significant portions of the SRWMA are increasingly declining in vegetative quality and quantity. Over 50 years of vegetative data collected from 1955 - 2008 portray declines in health, vigor and abundance of desired native perennial grasses throughout the SRWMA except in areas that elk do not use as winter range. Currently, the opportunity to acquire the proposed Neal Ranch property is considered a high priority by FWP to help improve long-term habitat management on the SRWMA.

In addition to serving as important elk winter range habitat, its acquisition will conserve in perpetuity significant intermountain grassland and riparian habitat that is important to many other species of wildlife. The land would also be accessible to seasonal (May 15 – December 1) recreational use to include hunting, hiking, camping, wildlife viewing, and photography.

**Project Proposal Terms**

In proposing to acquire the Neal Ranch, FWP seeks to meet the following needs:

- Protect and enhance native prairie and mountain-foothill grassland and riparian habitat communities;
- Provide additional winter range habitat for the Sun River elk herd;
- Manage wildlife and potential fisheries habitat in a sustainable manner to support priority fish and wildlife species;
- Provide public access to over 3,200 acres of continuous habitat that is currently limited in its recreational uses;
- Provide access for public hunting, wildlife viewing, hiking, and opportunity for other public recreational users;
- Protect wildlife habitat and potential fisheries resources from incompatible land uses or development and potential loss of public access to those resources;

### **Montana Environmental Policy Act**

Fish, Wildlife & Parks is required by the Montana Environmental Policy Act (MEPA) to assess potential impacts of a proposed action to the human and physical environment. The Montana Environmental Policy Act directs state agencies to ensure that the public is informed of and has the opportunity to participate in the decision making process. Fish, Wildlife & Parks prepared a draft EA, management plan and socio-economic analysis that identified the potential environmental and social impacts of this acquisition.

### **Description of Proposed Action and Alternatives**

Fish, Wildlife & Parks developed two viable alternatives to the proposed action.

No Action - Under the No Action Alternative, FWP would not take advantage of an opportunity to acquire fee title of the 3,278 acres under consideration from the Neal Ranch. The Neal Ranch would then either continue to use the property as a working cattle ranch/hay operation or sell the property to other unidentified parties.

Third Party Purchase w/ FWP conservation easement - Other private parties have expressed interest in this property. If fee title purchase by FWP is not completed, the opportunity exists for other private parties to acquire this property. If the latter were to occur, FWP would investigate the possibility of purchasing a conservation easement with the new owners provided interests and the financial needs of both parties could be met. The Neal Ranch is not interested in selling a conservation easement.

### **Environmental and Social Impacts Draft Environmental Impacts**

Fish, Wildlife & Parks analyzed the environmental impacts of the proposed action, no-action and third party purchase with FWP conservation easement alternative in the draft EA. The draft EA did not identify any significant environmental or socio-economic impacts from the proposed acquisition or conservation easement. Fish, Wildlife & Parks will continue to pay taxes on the property. Fish, Wildlife & Parks does not anticipate any significant social or biologically deteriorating development of the property, but the land would be available for seasonal recreational use. If approved,

FWP will develop a more detailed management plan in cooperation with the general public and groups such as the Sun River Working Group.

### **Public Process and Comments**

In compliance with the Montana Environmental Policy Act and state statute, a draft EA, management plan and socio-economic analysis were prepared and released on January 15, 2009, for a 32-day public review through 5:00 p.m., Sunday, February 15, 2009. Fish, Wildlife & Parks mailed copies of the draft EA, management plan, and socio-economic analysis to 43 individuals or entities, including all neighboring property owners, sportsman groups, and other interested parties. Notices were placed in four newspapers (Great Falls Tribune; The Choteau Acantha; The Fairfield Sun Times; and Helena Independent Record) as well as one statewide news release and on the Fish, Wildlife & Parks web page. A public hearing to receive comment on the EA was held January 27, 2009 at the Augusta High School Gymnasium. Copies of the draft EA, management plan and socio-economic analysis were made available at the FWP Region four headquarters in Great Falls and at the Freezout Lake WMA field office.

Public participation is a mechanism for agencies to consider substantive comments on a proposal. A total of 45 individuals submitted written comments and of those, 39 respondents were in support of FWP acquiring the Neal Ranch, 5 respondents were opposed, and 1 respondent did not clearly declare their support or opposition to the proposed action. There were also an additional two verbal comments taken through the public hearing and considered in this analysis.

Those who support the Neal Ranch acquisition cited the following reasons: 1) Help solve the elk population / winter forage problems; 2) Take advantage of the availability of funds: federal Pittman-Robertson dollars, the Habitat Montana dollars and the charitable donation from the Conservation Fund; 3) Might not get the opportunity again to purchase this land; 4) Conserve habitat richness and native vegetative species; 5) Conserve or enhance fish and wildlife values; 6) Increase public access opportunities; 7) Relieve neighboring landowners from occasional winter elk presence; 8) Benefits to future generations of public as public land; 9) Allow better opportunity for public access to adjacent public BLM and DNRC lands.

Those who did not support the acquisition of the Neal Ranch cited the following reasons: 1) FWP should not own any more land; 2) The purchase should be delayed until local and national economic conditions improve; 3) The EA was poorly written and had limited factual information; 4) The land is phosphorous deficient; 5) We do not need additional winter range for elk.

Below is a summary of the comments and questions received and FWP responses to the feedback. Other questions and concerns were noted in the comments, however those were not within the scope of the draft EA. Several of these comments were geared towards management practices noted within the separate management plan document. These comments will be taken into consideration along with other public input when a management plan is further developed and finalized.

Comments:

1. Habitat questions, concerns and impacts

- a. There is no quantitative data showing how vegetative condition on the existing SRWMA will improve by acquiring the additional land.

*FWP response: Since 1955, FWP has been conducting vegetation surveys, inventories and investigations on the SRWMA (Eustace, 2006). The data collected has been and continues to be by means of both qualitative (e.g., photo plots) and quantitative (e.g., percent plant canopy cover estimates) measurements. Data clearly indicate declining vigor for at least two of the three native grasses (rough fescue and Idaho fescue) proven most palatable and nutritious to elk. The most recent survey data continue to show similar trends. Through the investigations of FWP plant ecologist Bob Harrington, several sites within the WMA monitored for plant composition and productivity from 1997 – 2008 demonstrate an overall decline in grass production (Harrington, personal communication, 2009). The reduced above ground biomass results in several negative ecological responses such as decreased solar energy capture and conversion to biomass, increased bare ground, increased soil surface temperatures and a severe reduction in biomass production. All of these responses are pushing the vegetation community to a transition threshold that could result in a permanent shift away from preferred native grasses and forbs.*

*Vegetation data collected within vegetation exclosures on the WMA demonstrates a positive response when overgrazing is stopped. This implies that the vegetative community may positively respond to a reduced level of elk grazing. Whether we measure the additional value of the land to elk in animal unit months, elk months, or vegetative condition, current use of the land already demonstrates the importance of the area as winter range habitat. With more forage available for elk consumption, we expect better elk distribution and hence, a long-term positive effect on existing over utilized portions of the SRWMA. It is the goal of FWP and groups such as the Sun River Working Group (formed in 2006) to continue to work together to improve native vegetation conditions on the SRWMA.*

- b. Is FWP not managing wildlife habitat in the best suitable manner now?

*FWP response: Previous attempts or investigations into using management techniques such as salting, herding, irrigating, fertilizing, grazing and burning resulted in no long-term beneficial value related to manipulating elk grazing patterns and/or improving vegetative conditions. Purchasing the Neal property is considered a high priority by FWP to improve both quality and quantity of currently over utilized native perennial grasses.*

- c. Can the condition of the rough fescue grass be quantified on the SRWMA?

*FWP response: Vegetation data collected from 1997 to 2008 by Bob Harrington (FWP plant ecologist) shows that the SRWMA rough fescue community is being suppressed by heavy grazing use to the point where no seed production, germination or establishment is occurring among this and other preferred native grass species. The majority of current measurements for rough fescue portray an overall decline in percent canopy cover in sampled areas outside of the vegetation exclosures.*

2. Is the limiting factor of available winter range habitat a common management tool upon which population objectives are based for areas outside the SRWMA?

*FWP response: Yes. Other areas within the state look at available winter forage as one tool to help manage overall population objectives. When setting population objectives for big game species in Montana, all variables are analyzed and evaluated to establish objectives. These variables may include predation rates, available quality winter, summer and transitional range habitat, public demand, potential for increases in disease risk, landowner tolerance, and traditional herd size and sex/age ratio trends.*

3. Elk biology questions.

- a. What is the yearly ratio of calf to adult elk and is that more important now than having winter habitat?

*FWP response: Table 1. summarizes annual cow:calf ratios. Winter range habitat in its most productive condition is central to maintaining and enhancing herd survivorship (to include calves).*

- b. What does long-term health and quality of the Sun River elk herd mean?

*FWP response: Fish, Wildlife and Parks monitors the long-term health and quality of the Sun River herd through surveys of annual calf and yearling recruitment, animal health and condition, hunter harvest records, quantity and quality of mature bulls, overall herd age structure, and trends in population.*

4. Fish presence and recreational opportunity.

*FWP response: Currently, we do not know if fish inhabit the property. Appropriate field surveys of fish distribution, abundance and availability will be scheduled upon acquisition.*

5. The terms under the EA are biased towards the purchase by FWP over private owners. There is consistent language throughout the EA stating that private land is bad and public land is good.

*FWP response: Private landowners along the Rocky Mountain Front provide the backbone of fish and wildlife habitat conservation practices. The Rocky Mountain Front ecosystem has proven its importance for not only wildlife, but also traditional agricultural operations. Agricultural landowners on the Rocky Mountain Front understand the value of the land from both business and wildlife points of view and demonstrate that their industry and wildlife can coexist within native habitats. In the future, it will continue to be important for FWP to work with private landowners when developing and employing wildlife management practices.*

6. Is this the best use of public money? Where is the comparison of other properties available for purchase by MFWP in the state? Where is it shown that this land should be one of the highest used of these funds compared to other lands?

*FWP response: Land project proposals with a wildlife emphasis from around the state are considered by MFWP on a semi-annual basis. That process includes an internal ranking of project proposals to determine priority status based upon criteria to include, but not limited to, habitat quality and enhancement opportunities, sufficiency of conservation terms, threat status, recreational opportunity, contextual and geographic setting, unique characteristics and vertebrate species composition. All projects must conform to the Statewide Habitat Plan and Habitat Montana Policy. Upon successful review and ranking, any ranked project is then submitted to the Montana Fish Wildlife and Parks Commission for their review and consideration. Only upon Commission review and approval does a land proposal become active and move into Project status whereby active consideration of the property, to include appraisal and negotiation processes, begin. All these efforts remain of record with MFWP and are open for public review.*

7. Who is the Conservation Fund?

*FWP response: The Conservation Fund is a national private organization that helps government agencies, land trusts and nonprofit organizations acquire and conserve land for recreation, habitat, historic and cultural values. Visit <http://www.conservationfund.org> for further information.*

8. What is the Appraisal process?

*FWP response: A licensed appraiser is required by law to provide an objective statement regarding the true market value of the property. The Nicolet Appraisal Company was selected from a list of qualified appraisers that was acceptable to FWP, the Conservation Fund and the Neal Ranch. As of February 5, 2009, market value for the proposed 3,278 acres is \$6,375,000. The appraisal is currently being reviewed and will be available through FWP state offices in Helena after review has been completed and approved by FWP and the U.S. Fish and Wildlife Service. Federal review of the appraisal and process is necessary owing to the potential use of federal PR dollars (see Public Process and Comments section above and Q/A #11a below)*

9. What does “a Bargain Sale to the state of Montana thanks to charitable dollars raised by the Conservation Fund to advance private lands conservation along the Rocky Mountain Front” mean?

*FWP response: The Conservation Fund has raised private charitable funds to assist in conservation efforts on the Rocky Mountain Front. Those funds will be used to assist the Conservation Fund’s purchase of the property and lower the cost of the property when sold to FWP (the Conservation Fund will donate \$775,000 towards the purchase). FWP’s purchase price is \$5,600,000 (the draft EA incorrectly identified the price to be \$5,500,000). This acquisition still requires FWP Commission approval and approval of the State Land Board. If the acquisition is not approved, the Conservation Fund will not hold the property.*

10. What and how many game and non-game species abundantly use this land now?

*FWP response: Montana’s Comprehensive Fish and Wildlife Conservation Strategy (2005) identifies a total of 362 terrestrial species (9 amphibians, 73 mammals, 270 birds and 10 reptiles) that are found to inhabit the Rocky Mountain Front Foothills Focus Area. That document identifies individual species, their threat status and relative abundance.*

11. Increased recreational use and public access.

- a. How much increased recreational use will occur and is the price of \$5.5 million worth the extra use?

*FWP response: Public access is an important component of the proposal. However, it is secondary to managing the habitat for native wildlife species. A portion of the funds to be used for this project (and used for the initial SRWMA purchase) come from a federal excise tax on firearms and ammunition commonly known as Pittman Robertson funds. Recreational use cannot be quantified for the property at this time. The*



*recreational benefits derived from this purchase will accrue on-site and throughout the elk herd's range as a product of enhanced wildlife management capabilities already described.*

- b. Will there be seasonal closures to public use? Do you anticipate any changes or problems with the management of the property where the Sun Canyon Road crosses the property?

*FWP response: The proposed property will follow the same opening and closure status of the current SRWMA: open May 15 – December 1. The seasonal winter closure is aimed at limiting human disturbances and conflicts with wintering elk. The Sun Canyon county road and its proximity to the property should present no additional management complications.*

- c. What are other “compatible uses” for recreational use?

*FWP response: Other compatible uses include horseback riding, bird watching, wildlife viewing, camping, trapping, mountain biking on designated roads, and the host of seasonal recreational opportunities already offered on the SRWMA.*

- d. What is FWP proposing regarding the adjacent Department of Natural Resources and Conservation and Bureau of Land Management lands?

*FWP response: The Department of Natural Resources and Conservation and Bureau of Land Management lands discussed in the EA are not part of the purchase. Except for the additional avenues of access provided to these public lands, their management remains independent of the proposal.*

12. Is the EA saying that any land development near the SRWMA will harm the long-term health and quality of the Sun River elk herd? What is incompatible land use and development?

*FWP response: Certain land developments could be detrimental to the long-term health and quality of the Sun River herd. Incompatible land uses or developments that generate concern are those that may cause deteriorating habitat conditions or disturbances, forcing elk to winter in unwanted or less beneficial areas. Examples of these include subdivision and public presence corridors.*

13. What kind of access will the Neal Ranch have to the irrigation ditch in the southeast portion of the property?

*FWP response: The Neal family will have the right of ingress/egress to maintain the irrigation ditch.*

14. The EA identifies three important habitats in need of protection. How are these lands unprotected now?

*FWP response: The three most important habitats in need of protection have been identified through implementation of the FWP Commission Habitat Montana Policy (1993). Two of these habitats (intermountain grassland and riparian) are present on the proposed acquisition. The Habitat Montana program contains criteria to evaluate, identify and rank proposed land projects in relation to social, ecological and biological importance. Through this process, the Neal Ranch has been identified as a high priority for habitat conservation. Throughout Montana, these habitat types are recognized as some of the most imperiled owing to their geographic distribution, productivity and proximity to human population centers.*

15. Is the EA stating that any natural resource exploration is a threat to this habitat or the entire Rocky Mountain Front? What will FWP do in the future to limit any kind of exploration of these natural resources on the property?

*FWP response: Fish, Wildlife & Parks is not opposed to natural resource exploration as long as the effects on the biological and ecological communities can be mitigated (e.g., seasonal use constraints, habitat restoration and mitigation and appropriate monitoring efforts). The acquisition does not include mineral or subsurface rights. However, similar to the existing SRWMA, FWP will work to constrain such explorations by demonstrating the biological and ecological value of the land.*

16. Will there be a baseline inventory and locations noted for invasive weeds?

*FWP response: Fish, Wildlife & Parks would work with county weed district managers and the Greenfields Irrigation District to initiate any weed control processes as well as conducting baseline inventories to map any additional areas of concern.*

17. Why will Trumpeter swans use the proposed property?

*FWP response: The Rocky Mountain Front and associated water resources are an important aspect to Trumpeter swan migration. The body of water found on this property is one component of this migration corridor. Historical Trumpeter Swan breeding habitat has been identified along the Rocky Mountain Front, to include the SRWMA and vicinity.*

18. What are the current conditions of the freshwater pond on the property?

*FWP response: The current conditions of the freshwater pond on the property are unknown. An irrigation canal feeds the body of water, so*

*water levels fluctuate throughout the year. Further surveys will be conducted and management opportunities explored if the property is acquired.*

19. How will FWP handle future elk problems to adjacent lands on the new property?

*FWP response: Fish, Wildlife & Parks does not expect increased elk use on private lands. Fish, Wildlife & Parks will treat potential elk damage problems the same way we treat existing problems on lands adjacent to the SRWMA. These include herding, hazing, maintaining boundary fences, cooperating with landowners, and continuing to investigate how to improve vegetative conditions on the SRWMA and acquired land to sustain elk use.*

20. Is FWP going to conduct a hazardous materials survey before the purchase is finalized?

*FWP response: A condition of the purchase is that a Phase I Environmental Audit be completed on the property. If during that Audit there were evidence of contamination, soil testing would be completed.*

### **LITERATURE CITED**

Eustace, C. D. 2006. Sun River Wildlife Management Area Elk Population and Vegetation Review. Unpublished, 81 pp.

Harrington, B. 2009. Personal communication, Plant ecologist, FWP, Bozeman.

Montana's Comprehensive Fish and Wildlife Conservation Strategy. 2005. Montana Fish, Wildlife & Parks, 1420 East Sixth Avenue, Helena, MT 59620.

Statewide Habitat Plan, Implementation of Fish, Wildlife & Parks Commission Habitat Montana Policy. 1993. Montana Fish, Wildlife & Parks, 1420 East Sixth Avenue, Helena, MT 59620.

**Table 1.** Winter elk surveys in parts of HDs 424, 425 and 442, 1982-present. These are “Sun River elk”. Nearly all are typically counted on the SRWMA while smaller amounts may be observed on adjacent private, state or BLM properties and/or along the north fork of the Sun River (USFS). Estimated numbers of spikes, calves and cows are approximations based on observed ratios. Summer calf ratios are from the previous summer and provide a pre-winter production potential.

YEAR WINTER ENDED	WINTER OBSERV. BTB's	WINTER SPIKE / 100 COWS	WINTER EST. SPIKE	WINTER CALF / 100 COWS	WINTER EST. CALF	WINTER EST. COW	WINTER TOTAL OBSERV.	SUMMER CALF / 100 COWS
1982	158						2304	46
1983	52						2250	36
1984	99						1995	38
1985	159			34			2503	38
1986	135			33			2153	33
1987	137			33			2317	39
1988	144						2139	39
1989	124						2690	37
1990	172						2571	
1991	200			30			1766	39
1992	44						1923	48
1993	297						2283	45
1994							1706	28
1995	240	8	72	32	288	900	1503	51
1996	226	10	110	30	330	1100	1775	23
1997	239	5	60	22	264	1200	1775	
1998	232	3	28	27	248	920	1431	40
1999	160	9	114	33	419	1270	1973	40
2000	200	8	115	26	373	1430	2118	
2001	198	10	153	26	398	1533	2282	29
2002	264	7	119	36	600	1655	2638	48
2003	225	4	74	19	352	1860	2511	
2004	220	4	71	35	477	1779	2693	32
2005	182	3	60	20	399	1992	2633	37
2006	301	8	153	31	591	1907	2952	
2007	260	8	158	19	376	2013	2776	
2008	259	10	189	14	265	1845	2,602	

